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09/990,132	11/21/2001	Francisco Jose Menezes	10857.0007.NPUS00	2110

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EXAMINER

CHUNG, JI YONG DAVID

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/990,132	MENEZES ET AL.	
	Examiner	Art Unit	
	Ji-Yong D. Chung	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/29/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-44, 46, 48, 49, 51, and 54-63** are rejected under 35 U.S.C. 102(e) as being anticipated by Esenther.

With regard to **claim 1**, Esenther discloses a method comprising:

establishing a first HTTP connection between said first HTTP client and an HTTP server

[User A being connected to Web Server, Fig. 1]; and

sending an event to said first HTTP client from said HTTP server over said HTTP connection without said HTTP server receiving a request for said event from said first HTTP client [In Fig. 1, User A will receive the Web Server events when User B controls it via its monitor].

With regard to **claim 2**, Esenther teaches *an event that comprises an HTTP response*.

See paragraph 0054. Note that Fig. 1 shows a Web Server, which uses HTTP.

With regard to **claim 3**, Esenther teaches *said HTTP response includes text to be displayed on a display of said first HTTP client*. HTTP responses in general have associated HTML documents, as in the case of Esenther. See paragraph 0053. Note that HTTP stands for *hypertext* transfer protocol.

With regard to **claim 4's** limitation "*HTTP response includes a URL*," see Fig. 5 for Update.html, which includes a new URL. See paragraph 0060, Esenther.

With regard to **claim 5**, Esenther shows the step of *establishing said HTTP connection comprises said HTTP client requesting said connection and said HTTP server answering said request*. See paragraph 0074. Esenther supports the simple act of visiting "Welcome web page" (See paragraph 0074, Fig. 8), which meets the above limitation.

With regard to **claim 6**, Esenther shows that *said step of establishing said HTTP connection comprises said HTTP server sending a multi-part document*. Update.html in Fig. 5 of Esenther is clearly "multi-part."

With regard to **claim 7**, Esenther shows *HTTP server maintaining said HTTP connection*. Server maintains all HTTP connections until the desired messages are sent to their clients. It is part of HTTP.

With regard to **claim 8**, Esenther shows *said first HTTP client processing said received event*. See paragraph 0053 and Fig. 1. Update.html is loaded into a hidden frame (“first HTTP client processing”).

With regard to **claim 9**, Esenther shows the method of claim 1 further *including said first HTTP client sending a second event to said HTTP server after said first HTTP client has received said event from said HTTP server*. See paragraph 0062 and 0063, which describe sending control information to the server.

With regard to **claim 10**, Esenther shows *that said HTTP connection passes through an Internet*. See item 103 (“Communication Network”) Fig. 1.

With regard to **claim 11**, Esenther shows that *said first client is connected to a proxy server and said event passes through said proxy server*. See paragraph 0045, where Esenther notes that the network in Fig. 1 can include proxy servers.

With regard to **claim 12**, Esenther indicates that there is a possible embodiment in which *said event passes through a firewall*. See paragraph 0091, where Esenther speaks of avoiding firewall penetration problems. The firewall penetration problem can be avoided, because Esenther’s invention uses on HTTP as the underlying communication protocol.

With regard to **claim 13**, Esenther teaches that *the first HTTP client is a browser*. See Fig. 1.

With regard to **claim 14**, Esenther illustrates *a step of establishing a second HTTP connection between said HTTP server and a second HTTP client*. See Fig. 1, for both User A and User B (the first client and the second client).

With regard to **claim 15**, Esenther shows *the step of sending a second client event from a second HTTP client to said first HTTP client*. See paragraph Fig. 8 and paragraphs 0074-0077, for the description of the events. The original user that joins the collaborative session will receive an action when it concurrently takes the role of both Slave and Master browser. Later, when it assumes the role of the Slave browser (paragraph 0077) only, it receives the second event.

With regard to **claim 16**, Esenther shows that *second client event is first sent to said HTTP server and then passed to said first HTTP client*. All events generated from the monitor are first directed to its web server in Esenther. See Fig. 1 and paragraphs 0073-0079. The server in response generates Update.html, which are sent to various clients.

With regard to **claim 17**, Esenther shows that *the second event comprises an HTTP request and an HTTP response*. Monitor for User B in Fig. 1 sends the server an *HTTP request*.

The server sends an *HTTP response* (update.html) to the first client. Therefore, the HTTP request and the response comprise the second event. See Fig. 1 and paragraphs 0073-0079.

With regard to **claim 18**, Esenther shows the step including *said second HTTP client sending said second client event to said HTTP server, said HTTP server processing said second client event and said server sending a third event to said first HTTP client*. The Monitor for User B in Fig. 1 sends the server second event (the HTTP request). The server sends the third event (update.html) to the first client. See Fig. 1 and paragraphs 0073-0079.

With regard to **claims 19-26**, their limitations have been discussed with respect to claims 1-18, except the limitation “said event controlling the client.” The events in Esenther are for controlling client browsing and therefore meet the limitation. See paragraphs 0044-0049 and paragraphs 0073-79.

With regard to **claim 27**, Esenther shows a method comprising:
establishing an HTTP connection between said first HTTP client and a second HTTP client [See Fig. 1, and the paragraphs 0073-0079. User A controls User B through HTTP connections];
sending an event to said first HTTP client from said second HTTP client over said HTTP connection, said event controlling said first client. See Fig. 1 and the paragraphs 0073-0079.

Note that in claim 27, unlike claim 1, the role of the first client and the second clients are reversed.

With regard to **claim 28**, Esenther shows that *said HTTP connection comprises a first HTTP connection between said first HTTP client and a server and a second HTTP connection between said second HTTP client and said server*. The overall, indirect HTTP connection between the User A and user B, as shown in Fig. 1, is through the web server. Therefore, there are two HTTP connections, each with the server.

With regard to **claim 29**, Esenther shows that *first HTTP client is a browser*. See Fig. 1 and paragraphs 0021-0035. In fact, all of the shown clients are browsers.

With regard to **claim 30**, Esenther shows that *said HTTP connection passes through an Internet*. The limitation has been discussed with respect to claim 10.

With regard to **claim 31**, Esenther shows that *said event sent by said second client comprises an HTTP request and an HTTP response*. The limitation has been discussed with respect to claim 17.

With regard to **claim 32**, Esenther shows that *said server processes an HTTP request portion of said event and passes an HTTP response portion of said event*. All events generated from the monitor are first directed to its web server in Esenther. See Fig. 1 and paragraphs 0073-0079. The web server then processes them, in order to generate Update.html files, which are passed to other clients.

With regard to **claim 33**, Esenther shows that *said event is first sent to said server and passed to said first HTTP client*. The limitation has been discussed with respect to claim 16.

With regard to **claim 34**, Esenther shows that *said event includes text to be displayed on a display of said first HTTP client*. The limitation has been discussed with respect to claim 3.

With regard to **claim 35**, its limitation has been discussed with respect to claim 4.

With regard to **claim 36**, Esenther shows *said second HTTP client acts as a host sending several events to said first HTTP client*. See Fig. 8 and paragraphs 0074-0079, which describe the second host (Master client) sending sequence of events to the controlled clients.

With regard to **claim 37**, Esenther shows *said first HTTP client sends a second event to said second HTTP client*. See Fig. 8 and paragraphs 0074-0079. When the role of the original Master client becomes a Slave client, it receives the second event from another client.

With regard to **claim 38-44**, all of their limitations have been discussed in the above paragraphs on the preceding claims. Even though claims 38-43 use “client browser” and “agent browser” in place of “first HTTP client” and “second HTTP client” respectively, the phrase replacements do not affect how the claims 38-44 read on Esenther. Therefore, the reasons for the rejection of the preceding claims apply to claims 38-43.

With regard to **claim 46**, Esenther shows that *said event comprise a URL for a co-browse between said customer browser and said agent browser*. URL has been discussed with respect to claim 4. Esenther's invention is directed to co-browsing between multiple clients.

With regard to **claim 48**, all of its limitations have been discussed in the above paragraphs, except the following: *processing said event by said customer browser causing said customer browser to request said URL and display said web page*. See Fig. 5, which shows a sample of Update.html. The figure illustrates Update.html. One of the paragraphs in the figure reads as: *If (URL of web page in Slave Target windows does not match new URL) { Load new URL into Slave Target browser.* The event processing, therefore, will cause the customer browser to request the URL and display said web page.

With regard to **claim 49**, Esenther shows *the steps of performing an action on said web page by said agent browser, sending a second event comprising said action from said agent browser to said customer browser, processing said second event by said customer browser to display said action*. Again, see paragraphs 0074-0079. The Master client's ("agent browser") action causes an event to be sent from the Master client ("agent browser") to the slave client ("customer browser"). The customer browser will process Update.html, which is relayed by the server.

With regard to **claim 51**, all of the limitations have been discussed with respect to its preceding claims. In claim 51, the customer browser controls the agent browser instead of the agent browser controlling the customer browser. However, the reversal of browser roles does not affect how Esenther meets the limitations of claim 51. Esenther's invention can be viewed such that Master client corresponds to the "customer browser" and slave client corresponds to the "agent browser."

Claims 54-62 substantively restates only a subset of all the limitations of claims 1-44, 46, 48, 49, and 51, but in apparatus form rather than in method form. The reasons for the rejections of claims 1-44, 46, 48, 49, and 51 apply to claims 54-62. Therefore, claims 54-62 are rejected for substantially the same reasons.

With regard to **claim 63**, Esenther shows that *said server is capable of establishing a third connection with a third client and receiving a second event from said second client, said server sends said second event to said first client and said third client, said second event controls said first client and said third client*. It suffices to note that the Master client in Esenther controls more than just two clients. See paragraph 0048 for the word "slaves." See also paragraph 0075, which speaks of many "slaves."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2143

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 50, 52, and 54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Esenther. It would have been obvious to one skilled in the art at the time of the invention to modify Esenther for the reasons provided below.

With regard to **claim 50**, Esenther does not show *the steps of performing an action on said web page by said customer browser, sending a third event comprising said action from said customer browser to said agent browser, processing said third event by said agent browser to display said action.*

It would have been obvious to one skilled in the art at the time of the invention to combine the step of *sending the third event from the customer to the agent*, because the third event, which would be dispatched during extended co-browsing sessions, can be sent from one of only two possible sources: the customer or the agent.

Perhaps an example might aid in the discussion. Consider a method of driving a car, including the last step of making the right turn at a 4-way intersection. There are only four possible ways to turn at the intersection. Making any of the possible four turns is obvious.

With regard to **claims 52 and 53**, they address substantially the same subject matter as claim 50. Claim 52 differs from claim 53, because in claim 52, the third event is sent from the customer to the agent, whereas in claim 53, the third event is sent from the agent to the customer.

However, the reversal of roles for the customer and the agent browsers with respect to the third event does not affect the reasons why their claimed subject matter is obvious: the third event still must be sent from one of only two possible sources: the customer or the agent. Therefore, the reason for finding claim 50 obvious still holds for claims 52 and 53. Claims 52 and 53 are rejected for the same reasons as claim 50.

5. **Claims 45 and 47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Esenther in view of Inala et al (Inala hereinafter). It would have been obvious to one skilled in the art at the time of the invention to combine Esenther and Inala for the following reason: As Inala suggests on lines 50-58, column 8, there is a need for *a method and apparatus that enables real-time chat capability that is URL-sensitive in real time, such that individuals visiting a URL maybe detected and offered an opportunity to engage in chat with other individuals visiting the same URL.*

With regard to **claim 45**, Esenther does not show *the event and said second event comprising text message for a web chat between said customer browser and said agent browser.* Inala shows chats between various clients. See lines 7-14, column 4 in Inala.

With regard to **claim 47**, Esenther does not show the step of *providing a list of web chat texts on said agent browser and allowing said agent to select one of said web chat texts to send as said event.* Item 38 in Fig. 2 of Inala shows a list of texts, "Joe D, Jim L., User K, Jane S, and Robert J," one of which can be selected to as an event to be sent to its server.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ji-Yong D. Chung whose telephone number is (571) 272-7988. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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